

EV316936968

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/667,940  
Filing Date ..... September 22, 2003 (but accorded a date of September 23, 2003)  
Inventor..... Johns et al.  
Applicant..... Microsoft Corporation  
Group Art Unit ..... Not Assigned Yet  
Examiner ..... Not Assigned Yet  
Attorney's Docket No. ..... MS1-1671US  
Confirmation No. ..... Not Assigned Yet  
Title: Facilitating Performance Analysis for Processing

**PETITION TO ACCORD CORRESPONDENCE A FILING DATE AS OF THE  
“DATE-IN” ON THE “EXPRESS MAIL” MAILING LABEL PURSUANT TO  
37 C.F.R. §1.181(a)**

To: Mail Stop Petition  
Commissioner for Patents,  
PO Box 1450  
Alexandria, Virginia 22313-1450

From: Allan T. Sponseller (Tel. 509-324-9256 (Ext. 215); Fax 509-323-8979)  
**Customer No. 22801**

Applicant respectfully requests the Director to accord the correspondence, which is the application and associated filing papers for U.S. Patent Application No. 10/667,940, the filing date of September 22, 2003 (which is the “Date-in” on the “Express Mail” mailing label).

Pursuant to 37 C.F.R. §1.10(c), this petition is being filed promptly after the undersigned attorney became aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date, the number of the “Express Mail” mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by “Express Mail”, and

1 is hereby authorized to charge any such petition fees to our Deposit Account No.  
2 12-0769.

3  
4  
5  
6 Dated: 10/27/03

7 Respectfully Submitted,  
8

9 By:

10   
11 Allan T. Sponseller  
12 Reg. No. 38,318  
13 (509) 324-9256 x 215  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 accompanying this petition is a true copy of the "Express Mail" mailing label  
2 showing the "date-in" of September 22, 2003.

3 In support of this petition, the following documents accompany this  
4 petition. These documents are true copies of the documents that were submitted as  
5 part of the correspondence to the Patent Office using the "Express Mail Post  
6 Office to Addressee" service of the USPS in an envelope having an "Express  
7 Mail" mailing label with the number EV316936628. These documents are:

8 (1) A true copy of the express mail label having the number  
9 EV316936628 and having a "date-in" of September 22, 2003.

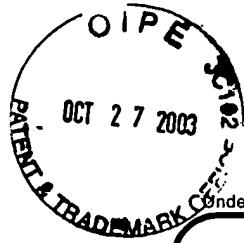
10 (2) A true copy of a postcard having the "Express Mail" mailing  
11 label number EV316936628 stamped thereon prior to the mailing of the  
12 correspondence

13 (3) A true copy of a utility patent application transmittal having the  
14 "Express Mail" mailing label number EV316936628 stamped thereon prior  
15 to the mailing of the correspondence.

16 (4) A true copy of a nonpublication request having the "Express  
17 Mail" mailing label number EV316936628 stamped thereon prior to the  
18 mailing of the correspondence.

19 (5) A true copy of the first page (cover sheet) of the application  
20 having the "Express Mail" mailing label number EV316936628 stamped  
21 thereon prior to the mailing of the correspondence.

22  
23 Applicant respectfully requests that U.S. Patent Application No. 10/667,940  
24 be accorded a filing date of September 22, 2003. Applicant believes that no fees  
25 are required for this Petition, however, if any petition fees are required the Office



10-28-03

EV316936968

Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

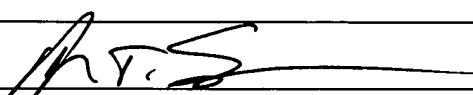
		Application Number	10/667,940
		Filing Date	Sep 22, 2003
		First Named Inventor	Johns
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	MS1-1671US

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) Sheets <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <div style="border: 1px solid black; padding: 2px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Post Card; Attachments to Petition
---	--	--

22801

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Allan T. Sponseller, Reg. No. 38,318
Signature	
Date	10/27/03

### CERTIFICATE OF EXPRESS MAILING

I hereby certify that the items listed above as enclosed are being deposited with the U.S. Postal Service as Express Mail, in an envelope addressed to The Commissioner of Patents, Alexandria, VA 22313 on the below-indicated date. The Express Mail No. has also been marked on the listed items. Express Mail No.

Typed or printed name	Laurie S. Morgan		
Signature		Date	10/27/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

OCT 27 2003

EV316936968

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

## Complete if Known

Application Number	10/667,940
Filing Date	Sep 22, 2003
First Named Inventor	Johns
Examiner Name	
Art Unit	
Attorney Docket No.	MS1-1671US

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number 12-0769  
 Deposit Account Name Lee & Hayes, PLLC

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>		<b>(\$ 0.00)</b>	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$ 0.00)</b>

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Allan T. Sponseller	Registration No. (Attorney/Agent)	38,318	Telephone (509) 324-9256
Signature	<i>AT-S</i>		Date	10/27/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV316936968



 <b>EV 316936628 US</b>			<b>Customer Copy</b> <small>Label 11-F June 2002</small>																				
<b>ORIGIN (POSTAL USE ONLY)</b>																							
PO ZIP Code <b>99201#</b>	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <b>X 13 65</b>	<b>EXPRESS MAIL</b> <b>UNITED STATES POSTAL SERVICE®</b>																				
Date <b>9 22 03</b>	Postage \$																						
Mo. Day Year <b>Mo. Day Year</b>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> Same	Return Receipt Fee																					
Time In <b>15:45</b>	Military																						
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day																						
Weight <b>1 lbs. 4 ozs.</b>	Int'l Alpha Country Code	COD Fee	Insurance Fee																				
No Delivery	Accepted Clerk Initials <b>RB</b>	Total Postage & Fees <b>\$ 13 65</b>	<b>Post Office To Addressee</b> <b>DELIVERY (POSTAL USE ONLY)</b>																				
<table border="1"> <thead> <tr> <th>Delivery Attempt</th> <th>Time</th> <th>Employee Signature</th> </tr> </thead> <tbody> <tr> <td>Mo. Day</td> <td><input type="checkbox"/> AM <input type="checkbox"/> PM</td> <td></td> </tr> <tr> <th>Delivery Attempt</th> <th>Time</th> <th>Employee Signature</th> </tr> <tr> <td>Mo. Day</td> <td><input type="checkbox"/> AM <input type="checkbox"/> PM</td> <td></td> </tr> <tr> <th>Delivery Date</th> <th>Time</th> <th>Employee Signature</th> </tr> <tr> <td>Mo. Day</td> <td><input type="checkbox"/> AM <input type="checkbox"/> PM</td> <td></td> </tr> </tbody> </table> <p><input type="checkbox"/> WAVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent if delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.</p> <p>NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday</p> <p style="text-align: right;">Customer Signature _____</p>						Delivery Attempt	Time	Employee Signature	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		Delivery Attempt	Time	Employee Signature	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		Delivery Date	Time	Employee Signature	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature																					
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM																						
Delivery Attempt	Time	Employee Signature																					
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM																						
Delivery Date	Time	Employee Signature																					
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM																						
<b>CUSTOMER USE ONLY</b> METHOD OF PAYMENT: Express Mail Corporate Acct. No. <b>X 992 092</b>																							
<p>FROM: (PLEASE PRINT)  <input type="checkbox"/> LEE &amp; HAYES PLLC  421 W RIVERSIDE AVE STE 500  SPOKANE WA 99201-0402</p> <p>TO: (PLEASE PRINT)  <input type="checkbox"/> MS: Patent Application  Commissioner for Patents  P.O. Box 1450  Alexandria VA 22313-1450</p>																							
<p>PRESS HARD.  You are making 3 copies.</p> <p>FOR PICKUP OR TRACKING CALL 1-800-222-1811 <a href="http://www.usps.com">www.usps.com</a></p> <p><b>EMS</b></p>																							



EV316936968

MS1-1671US Microsoft Corporation 9/22/2003

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:  
Title: "Facilitating Performance Analysis for Processing"  
Inventorship: Johns et al.

1. Transmittal Letter
2. Fee Transmittal
3. Nonpublication Request
4. New patent application (title page plus pages 1-64, including claims 1-20 & Abstract)
5. Executed Declaration
6. 27 sheets of formal drawings (Figs. 1-28)
7. Assignment w/Recordation Cover Sheet
8. PTO Return Postcard Receipt

22141 U.S.PTO  
10/667940



092303

EV316936628

LEFF & HAYES, PLLC  
/compliance

OCT 27 2003

EV316936968

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MS1-1671US
First Inventor	Johns
Title	Facilitating Performance Analysis for Processing

Express Mail Label No. EV316936628

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 65]  
(preferred arrangement set forth below)  
 - Descriptive title of the invention  
 - Cross Reference to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference to sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (if filed)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 27 ]
5. Oath or Declaration [ Total Pages 2 ]
- a.  Newly executed (original or copy)  
 Copy from a prior application (37 CFR 1.63 (d))  
 (for continuation/divisional with Box 18 completed)
- i.  **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Mail Stop Patent Application  
Commissioner for Patents/P.O. Box 1450  
Alexandria, VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a.  Computer Readable Form (CRF)
- b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  paper
- c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))  
 37 CFR 3.73(b) Statement  Power of Attorney
10.  English Translation Document (if applicable)  
 Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
11.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
 (Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
 (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)

of prior application No.: /

Prior application information: Examiner \_\_\_\_\_

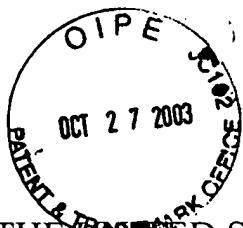
Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	22801		or	<input type="checkbox"/> Correspondence address below
Name				
Address				
City		State		Zip Code
Country		Telephone		Fax
Name (Print/Type)	Allan T. Sponseller		Registration No. (Attorney/Agent)	38,318
Signature			Date	9/22/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



EV316936628

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION FOR LETTERS PATENT

**Facilitating Performance Analysis for Processing**

Inventor(s):

Kyle R. Johns

J. Andrew Goossen

ATTORNEY'S DOCKET NO. MS1-1671US

EV316936968